

Application S/N 10/631,370
Amendment Dated: June 23, 2006
Response to Office Action dated: February 27, 2006

CE11296JEM

REMARKS/ARGUMENTS

Claims 1-7, 9-12 and 14-21 remain pending in the application, as claims 8 and 13 were previously canceled without prejudice. In the Office Action, claims 1, 7, 10, 14, 18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,390,252 to Suzuki (Suzuki) in view of U.S. Patent No. 6,965,674 to Whelan, et al. (Whelan). Claims 2, 3, 9, 11, 12, 15, 19 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Schneier, *Applied Cryptography* (Schneier). Claims 4, 5 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Schneier and further in view of the article by L-3 Communications. Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Whelan and further in view of the FNBDT Signaling Plan. Finally, claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Whelan and further in view of the FNBDT Signaling Plan and the I-3 Communications article.

Independent claims 1, 11, 14 and 21 have been amended to clarify that the symmetric traffic key between the multi-mode portable communication device and the second portable communication device is established in a first mode of communication in a first communication network and that the symmetric traffic key is shared between the multi-mode portable communication device and the second portable communication device in a second mode in a second (i.e., different) communication network. None of the cited prior art references describe, show or even suggest such a feature. In particular, Suzuki merely contemplates switching between different channels, i.e., frequencies in the same communication network (see col. 5, lines 38-45).

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As such, Applicant submits that independent claims 1, 11, 14 and 21 are patentable over the prior art. Applicant also believes that those claims that depend from independent claims 1, 11, 14 and 21 are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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